In the Application of:

    Richard Martin, et al.

Serial № 10/657,942

Filed: September 9, 2003

For: SYSTEM AND METHOD FOR
      HARDWARE ACCELERATION IN A
      HYBRID WIRED/WIRELESS LOCAL
      AREA NETWORK

Examiner: Simon A. Goetze

Group Art Unit: 2617

Confirmation № 1603

Electronically Filed on 09-JUN-2008

REPLY BRIEF

MS: APPEAL BRIEF-PATENTS
Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Sir:

    In accordance with 37 CFR 41.41, the Appellant submits this Reply Brief in response to the Examiner's Answer mailed on April 8, 2008. Claims 1-27 are pending in the present Application. The Appellant has responded to the Examiner in the Examiner's Answer, as found in the following Argument section.

As may be verified in his final Office Action, dated July 13, 2007 ("Final Office Action"), claims 1-27 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,393,474, issued to Eichert, et al. (hereinafter, Eichert), in view of U.S. Patent Application Publication No. 2002/0069278, issued to Forslow (hereinafter, Forslow). *See* the Final Office Action at page 3. To aid the Board in identifying corresponding arguments, the Appellant has used the same headings in the Argument section of this Reply Brief as the headings found in the Appellant's corresponding Brief on Appeal. The Brief on Appeal has a date of deposit of January 7, 2008.

STATUS OF THE CLAIMS

Claims 1-27 were finally rejected. Pending claims 1-27 are the subject of this appeal.

ARGUMENT

I-A.   Rejection of Independent Claims 1, 10, and 19

The Appellant stands by the argument made in the corresponding section of the

Brief on Appeal.

In response to Appellant's Brief on Appeal, the Examiner is using the following

argument stated on pages 12-13 of the Examiner's Answer:

> With regard to independent claims 1, 10, and 19, Appellant has argued in
> section A1,beginning on Page 6 of the brief, that Eichert et al. fails to
> disclose "associating said at least one policy with a particular one of said
> access point groups." The Examiner respectfully disagrees because
> Eichert et al. discloses associating a policy with multiple network
> devices. When a policy is to be distributed, all of the affected network
> devices receive the new policy. Each affected network device receives
> the new policy. As a consequence of distributing the policy to multiple
> network enforcement devices (which include access points, i.e. devices
> which at provide network access to end users - Figure 1 - Column 2,
> Lines 9-16; 28-46; Column 3, Lines 42-57) an access point group is
> constituted, and is as a result understood as "associating said at least
> one policy with a particular one of said access point groups." Eichert et
> al. additionally mentions distributing the policy to multiple network
> devices in Column 2, Lines 46-54 and Column 7, Lines 34-38 where they
> note that the policy is encapsulated for transmission to active network
> devices. They continue to state that several enforcement devices may be
> utilized to execute the policy (Column 3, Lines 29-31). In Column 4,
> Lines 1-18 and as shown in Figure 3 at step 360 they discuss that
> enforcement devices retrieve the policy once they are notified of the
> update. As a means for supporting legacy systems they state the
> advantage of enabling new policy implementations to be distributed to
> devices... using this system (Column 4, Lines 48-58). The policy
> distribution techniques are also described in Column 7, Lines 1-7 and 31-
> 57 and Colum 8, Lines 31-42.

The Appellant respectfully disagrees and points out that Eichert discloses that **a policy**

is created for the entire network. *See* Eichert at col. 2, lines 47-48; col. 3, lines 41-

43. In other words, **the policy is associated with all of the network devices** of

Eichert's network. Even if the created policy is distributed to not one but a plurality of enforcement devices, the fact remains that the distributed policy is the same for the entire network. Since the first sub-clause of Appellant's claim 1 recites a plurality of access point groups, this means that "a particular one of said access point groups" encompasses less than the entire number of network devices. In other words, **"associating said at least one policy with a particular one of said access point groups" results in associating the policy only with a particular group of access points, <u>not with all network devices</u>,** as disclosed by Eichert. Forslow does not overcome this deficiency of Eichert.

The Appellant maintains that the combination of Eichert and Forslow does not disclose "associating said at least one policy with a particular one of said access point groups," as recited in Appellant's claim 1.

The Appellant respectfully submits that independent claims 1, 10, and 19 are allowable.

I-B.   Rejection of Dependent Claims 2, 11, and 20

The Appellant stands by the argument made in the corresponding section of the Brief on Appeal.

In response to Appellant's Brief on Appeal, the Examiner is using the following argument stated on page 13 of the Examiner's Answer:

> Regarding dependent claims 2, 11, and 20, Appellant has stated in section B, beginning on Page 9 of the brief, regarding the Eichert et al.-Forslow combination that:

> The Applicant would like to point out that even though Eichert discloses, at the above citations, that a system administrator may input instructions representing policy through an interface, Eichert clearly does not disclose or suggest that the management station 100, or any other device on Eichert's network, *identifies the associated policy* that is to be distributed to a particular one of access point groups. (Italics added)

> The Examiner respectfully disagrees because, as noted in the Final Office Action on Page 6 and section (9) at Page 7 above, and in relation to the above description of Eichert et al. in view of Forslow, Eichert et al. discloses the system administrator defines policies by inputting instructions (Column 2, Lines 6-27 and Column 7, Lines 1-6 and 48-56) which define (i.e. identify) the policy. Additionally, the appropriate network devices are notified when the policy is ready to be updated (Column 4, Lines 1-19).

The Appellant disagrees. As pointed out above, Eichert discloses that **the policy entered by the system administrator (in the form of input instructions) is created for the <u>entire</u> network**. Eichert does not disclose any specific creation or identification of a policy (the Appellant's "associated policy") that is associated with, and is to be distributed to, a particular access point group, which is a sub-group of all network devices.

The Appellant respectfully submits that independent claims 2, 11, and 20 are allowable.

I-C. Rejection of Dependent Claims 3, 13, and 21

The Appellant stands by the argument made in the corresponding section of the Brief on Appeal.

In response to Appellant's Brief on Appeal, the Examiner is using the following argument stated on page 14 of the Examiner's Answer:

Regarding dependent claims 3, 12, and 21, Appellant has stated in section C, beginning on Page 11 of the brief, regarding the Eichert et al.-Forslow combination that:

The Applicant would like to point out that even though Eichert discloses, at the above citations, that the object file is retrieved as soon as it is available on a directory server or distributed database, Eichert clearly does not disclose or suggest that selection of the identified policy is conditioned upon *occurrence of an event,* as recited by the Applicant in claim 3. (Italics added)

The Examiner respectfully disagrees because, as noted in the Final Office Action on Page 7 and section (9) at Page 7 above, and in relation to the above description of Eichert et al. in view of Forslow, Eichert et al. discloses the changing of a state or variable occurs which then leads to distribution of the associated policy (Column 4, Lines 1-19; Column 7, lines 46-56). This is understood as an "occurrence of an event."

The Appellant respectfully disagrees and points out that **Eichert's policy is "selected" and "identified" as soon as the policy instructions are <u>entered</u> by the system administrator**. Furthermore, Eichert does not disclose that the entering of the policy instructions by the system administrator, thereby identifying and selecting the policy for the network, is conditioned upon the occurrence of any event.

The Appellant respectfully submits that independent claims 3, 13, and 21 are allowable.

I-D.   Rejection of Dependent Claims 4, 13, and 22

The Appellant stands by the argument made in the corresponding section of the Brief on Appeal.

In response to Appellant's Brief on Appeal, the Examiner is using the following argument stated on pages 14-15 of the Examiner's Answer:

Regarding dependent claims 4, 13, and 22, Appellant has stated in section D, beginning on Page 12 of the brief, regarding the Eichert et al.-Forslow combination that:

The Applicant would like to point out that even though Eichert discloses, at the above citations, that the new policy object file may be retrieved by the enforcement device (column 4) and distributed throughout the network (column 8), Eichert clearly does not disclose or suggest distributing of the identified policy *to a particular one of the access point groups,* as recited by the Applicant in claim 4. (Italics added)

The Examiner respectfully disagrees because, as noted in the Final Office Action on Page 7 and section (9) at Page 7 above, and in relation to the above description of Eichert et al. in view of Forslow, Eichert et al. discloses that when the state or variable changes the policy is distributed (Column 4, Lines 1-19). The appropriate multiple network devices (function as a group as discussed above regarding independent claims 1, 10, and 19 on Page 12). This is understood as "to a particular one of the access point groups."

The Appellant disagrees. In the above argument, the Examiner relies on the "changing of a state or variable" disclosed in col. 4, lines 1-19 of Eichert. The Appellant points out that **the "changing of a state or variable" is done only for purposes of <u>notifying</u> that the object file is available for the enforcement device**. Eichert does not disclose that the distributing of the policy occurs upon the occurrence of "changing of a state or variable", as stated by the Examiner in the above argument.

The Appellant respectfully submits that independent claims 4, 13, and 22 are allowable.

I-E.   Rejection of Dependent Claims 5, 14, and 23

The Appellant stands by the argument made in the corresponding section of the Brief on Appeal.

In response to Appellant's Brief on Appeal, the Examiner is using the following argument stated on page 15 of the Examiner's Answer:

> Regarding dependent claims 5, 14, and 23, Appellant has stated in section E, beginning on Page 13 of the brief, regarding the Eichert et al.-Forslow combination that:

> The Applicant would like to point out that even though Eichert discloses, at the above citations, that the new policy object file may be retrieved by the enforcement device (column 4) and distributed throughout the network (column 8), Eichert clearly does not disclose or suggest *associating the policy with a particular access point* in the particular one of the access point groups, as recited by the Applicant in claim 5. (Italics added)

> The Examiner respectfully disagrees because, as noted in the Final Office Action on Page 7 and section (9) at Page 7 above, and in relation to the above description of Eichert et al. in view of Forslow, Eichert et al. discloses that the policy is associated to each network device affected by the update (Column 4, Lines 1-19; Column 9, Lines 1-32). This is understood as "associating... with a particular access point ... in said access point group."

The Appellant disagrees. As explained in Section I-A above, Eichert's network policy is associated with the entire network, since it is created for the entire network. The above cited portion of Eichert simply relates to the enforcement of the created policy by the enforcing device. The Appellant maintains that Eichert-Forslow does not disclose or suggest "associating said at least one policy with a particular access point in said particular one of said access point groups," as recited in Appellant's claim 5.

The Appellant respectfully submits that independent claims 5, 14, and 23 are allowable.

I-F.   Rejection of Dependent Claims 6, 15, and 24

The Appellant stands by the argument made in the corresponding section of the Brief on Appeal.

The Appellant respectfully submits that independent claims 6, 15, and 24 are allowable.

I-G.   Rejection of Dependent Claims 7, 16, and 25

The Appellant stands by the argument made in the corresponding section of the Brief on Appeal.

The Appellant respectfully submits that independent claims 7, 16, and 25 are allowable.

I-H.   Rejection of Dependent Claims 8, 17, and 26

The Appellant stands by the argument made in the corresponding section of the Brief on Appeal.

The Appellant respectfully submits that independent claims 8, 17, and 26 are allowable.

I-I.   Rejection of Dependent Claims 9, 18, and 27

The Appellant stands by the argument made in the corresponding section of the Brief on Appeal. The Appellant respectfully submits that independent claims 9, 18, and 27 are allowable.

CONCLUSION

The Appellant submits that the pending claims are allowable in all respects. Reversal of the Examiner's rejections for all the pending claims and issuance of a patent on the Application are therefore requested from the Board.

The Commissioner is hereby authorized to charge additional fee(s) or credit overpayment(s) to the deposit account of McAndrews, Held & Malloy, Account No. 13-0017.

Respectfully submitted,

Date: 09-JUN-2008   By: /Ognyan I. Beremski/
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